

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE SEPTEMBER 18, 2006, MEETING, WITH FIRST READING AT THE OCTOBER 2, 2006, MEETING, AND SECOND READING AT THE OCTOBER 16, 2006, MEETING **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT [CLERK@GREENWOOD.IN.GOV](mailto:CLERK@GREENWOOD.IN.GOV) FOR AN EXECUTED COPY AFTER THE SECOND READING.

**GREENWOOD COMMON COUNCIL**

**ORDINANCE NO. 06-36**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN ZONING ORDINANCE NO. 82-1 ENTITLED “AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF GREENWOOD, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF I.C 36-7-4-600 et seq. LAWS OF INDIANA AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith” (Proposed Rezoning of approximately 3.16 acres located at 399 E. County Line Road, commonly known as the Nicley Property)**

WHEREAS, the Greenwood Advisory Plan Commission (hereinafter “Commission”) conducted a public hearing on the petition for the rezoning of approximately 3.16 acres located at 399 East County Line Road within the area of extended jurisdiction of the City of Greenwood, from R-2 Residential – Single Family use to C-1 Commercial – Neighborhood Shopping use; and

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments regarding the development of said real estate:

The following land uses in the C-1 Commercial - Neighborhood Shopping Zoning Classification shall be prohibited:

- Multi-Family Dwellings (8 units/building Maximum)
- Multi-Family Dwellings (No Maximum limit)
- Attached Single-Family Dwellings (Cluster dwellings)
- Mobile Home Parks
- Home Occupations
- Mobile Home Park Management Office
- Mobile Home Park Sales Lot or Office
- Apartment Management Office
- Temporary Construction or Real Estate Office
- Dormitories, Fraternities, Sororities
- Vineyards and Orchards
- Wildlife Preserves
- Nature Preserves
- Conservation District
- Public Swimming Pools
- Parking Lots
- Parks or Playgrounds
- Golf Courses and Driving Ranges
- Cemeteries
- Funeral Homes
- Boarding House
- Fire or Police Stations
- Temporary or Seasonal Uses (Circus, Fair, Camp, etc.)
- Transportation Facilities (bridges, Fords, Railroads)
- Water Management Facilities (Dam, Dikes, Canals)
- Utility Treatment or Generative Facilities
- Group Homes (IC 16-13-21-12 Dev. Disabled)
- Group Homes / all other group homes
- Agricultural - elevator, feed mill, fertilizer, other services
- Roadside Produce Stand

Forestry Preserve  
Fishing, Hunting, Trapping  
Construction Special Trade Contractors  
Railroad Line-Hauling  
Public Warehouse  
U.S. Postal Service  
Pipelines, except natural gas  
Electric, Gas, Sanitary Services  
Nursing Home, Personal Care Facilities  
Hospitals  
Museum, Art Gallery, Botanical and Zoological Gardens; and

WHEREAS, the Commission, after paying reasonable regard to: 1) the Greenwood Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, made a **favorable recommendation** ( 7 – 0 ) regarding said change in the zone map and certified the same to the Greenwood Common Council; and

WHEREAS, the Greenwood Common Council has given notice of its intention to consider this matter; and

WHEREAS, the Greenwood Common Council has considered the recommendation of the Commission and paid reasonable regard to items 1 through 5 referred to above,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Official Zoning Map referred to in Article 1, Section 1, of Ordinance No. 82-1, as amended, is amended as follows:

The following described real estate situated in the area of extended jurisdiction of the City of Greenwood, Indiana, and an area included in the Greenwood Common Council Annexation Ordinance No. 06-37, currently zoned R-2 – Residential – Single Family use is rezoned to C-1 Commercial – Neighborhood Shopping use:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE SOUTH ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION 1344.4 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE WEST ON THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 315.76 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION 552.00 FEET THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 157.88 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION 791.88 FEET TO THE NORTH LINE OF SAID QUARTER QUARTER SECTION; THENCE EAST ON AND ALONG SAID NORTH LINE 157.88 FEET TO THE PLACE OF BEGINNING, **CONTAINING 6.875 ACRES**, MORE OR LESS.

ALSO:

A PART OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 87 DEGREES 45 MINUTES 35 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 157.88 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST A DISTANCE OF 351.27 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST A DISTANCE OF 377.92 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 16 SECONDS WEST A DISTANCE OF 54.15 FEET TO A POINT ON THE EAST LINE OF TWIN OAKS SUBDIVISION FOURTH SECTION AS RECORDED IN PLAT BOOK C, PAGE 482, IN THE OFFICE OF THE RECORDER; THENCE NORTH 02 DEGREES 11 MINUTES 44 SECONDS WEST ON AND

ALONG SAID EAST LINE A DISTANCE OF 377.60 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH 87 DEGREES 45 MINUTES 35 SECONDS EAST A DISTANCE OF 68.52 FEET TO THE POINT OF BEGINNING, **CONTAINING 0.532 ACRES** MORE OR LESS.

- EXCEPTING THEREFROM THE FOLLOWING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SAID QUARTER QUARTER SECTION; THENCE SOUTH 87 DEGREES 45 MINUTES 35 SECONDS WEST ON AND ALONG THE NORTH LINE THEREOF A DISTANCE OF 315.76 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST A DISTANCE OF 792.17 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87 DEGREES 56 MINUTES 55 SECONDS EAST PARALLEL TO THE SOUTH LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 200.00 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 00 SECONDS EAST PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 248.43 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 16 SECONDS WEST A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST A DISTANCE OF 248.94 FEET TO THE POINT OF BEGINNING. THE ABOVE TRACT **CONTAINS 1.141 ACRES**, MORE OR LESS, ACCORDING TO A SURVEY DATED MAY 23, 1990.

ALSO EXCEPTING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER, NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION A DISTANCE OF 729.32 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 57 SECONDS EAST ON AND ALONG SAID EAST LINE A DISTANCE OF 611.41 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION, ALSO BEING THE NORTHEAST CORNER OF COLONIAL SPRINGS SUBDIVISION SECTION ONE, AS RECORDED IN PLAT BOOK 7, PAGE 31, IN THE OFFICE OF THE RECORDER; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 301.58 FEET TO THE SOUTHEAST CORNER OF MEADOWGLEN SUBDIVISION, FIFTH SECTION, AS RECORDED IN PLAT BOOK C, PAGE 369 AND 370; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST A DISTANCE OF 190.14 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ON AND ALONG SAID LINE A DISTANCE OF 14.18 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST ON AND ALONG SAID EAST LINE A DISTANCE OF 110.06 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION, ALSO BEING A POINT ON THE SOUTH LINE OF TWIN OAKS SUBDIVISION- FOURTH SECTION AS RECORDED IN PLAT BOOK C, PAGE 482; THENCE NORTH 87 DEGREES 48 MINUTES 16 SECONDS EAST ON AND ALONG THE SOUTH LINE OF SAID SUBDIVISION PROJECTED A DISTANCE OF 200.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 40 SECONDS WEST A DISTANCE OF 248.43 FEET; THENCE SOUTH 87 DEGREES 56 MINUTES 55 SECONDS WEST A DISTANCE OF 42.12 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 00 SECONDS WEST A DISTANCE OF 62.69 FEET; THENCE NORTH 87 DEGREES 48 MINUTES 16 SECONDS EAST A DISTANCE OF 157.86 FEET TO THE POINT OF BEGINNING, **CONTAINING 3.000 ACRES** MORE OR LESS.

ALSO EXCEPTING:

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, PLEASANT TOWNSHIP, JOHNSON COUNTY, INDIANA, BEING A PART OF THE ERVIN AND ENID E. NICLEY PROPERTY RECORDED IN BOOK 151, PAGE 16, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST, THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST ALONG THE EAST LINE OF SAID QUARTER QUARTER SECTION 1344.4 FEET TO THE SOUTHEAST CORNER; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER

QUARTER SECTION 301.58 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 87 DEGREES 48 MINUTES 11 SECONDS WEST ALONG SAID SOUTH LINE 14.18 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 55 SECONDS WEST PARALLEL TO THE SAID EAST LINE 190.14 FEET; THENCE NORTH 87 DEGREES 48 MINUTES 11 SECONDS EAST PARALLEL TO THE SAID SOUTH LINE 14.18 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 55 SECONDS EAST PARALLEL TO THE SAID EAST LINE 190.14 FEET TO THE POINT OF BEGINNING.

NOTE: THE ABOVE TRACT **CONTAINS 0.062 ACRES**, MORE OR LESS, ACCORDING TO A DESCRIPTION.

ALSO EXCEPTING  
PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND - PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER QUARTER SECTION; THENCE SOUTH ON AND ALONG THE EAST LINE THEREOF 16.5 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIBED TRACT; THENCE CONTINUING SOUTH ALONG LAST SAID EAST LINE 26.27 FEET; THENCE SOUTH 88 DEGREES 01 MINUTES 45 SECONDS WEST 157.9 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF DEED RECORD 151, PAGE 16; THENCE NORTH ON AND ALONG LAST SAID WEST LINE 25.87 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY LINE ROAD; THENCE EAST ON AND ALONG LAST SAID SOUTH RIGHT-OF-WAY LINE 157.9 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, **CONTAINING 0.094 ACRES**, MORE OR LESS.

Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the second “Whereas clause” above.

Section 3. The Greenwood Plan Commission is hereby authorized to make the above described change to the official zoning map of the City of Greenwood.

Section 4. This Ordinance shall have no effect as to changing any other provision of Ordinance No. 82-1, as amended, other than the Official Zoning Map referred to in Article 1, Section 1, of said Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and after the above described commitments are made by the owner and recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.

Passed by the Common Council of the City of Greenwood, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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Ronald Bates, President  
Greenwood Common Council

FOR:  
  
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AGAINST:  
  
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ATTEST:

\_\_\_\_\_  
Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is presented by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ O’Clock \_\_.M, to the Mayor of the City of Greenwood, Indiana.

\_\_\_\_\_  
Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is signed and approved by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ O’Clock \_\_.M.

\_\_\_\_\_  
CHARLES E. HENDERSON, Mayor of  
the City of Greenwood, Indiana